

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Thursday, 27 February 2025 – Friday, 28 February 2025
Wednesday, 23 April 2025
Thursday, 29 May 2025**

Nursing and Midwifery Council
2 Stratford Place, Montfichet Road, London, E20 1EJ

Name of Appellant:	Prudence Onyinyechi Ndukuba
Type of case:	Registrations appeal
Panel members:	Christopher Taylor (Chair, Registrant member) Sarah McNulty (Lay member) Neil Calvert (Lay member)
Legal Assessor:	Ian-Ashford Thom (27 – 28 February 2025) Charles Conway (23 April 2025 and 29 May 2025)
Hearings Coordinator:	Dilay Bektashi (27 – 28 February 2025) Ruth Bass (23 April 2025) Nicola Nicolaou (29 May 2025)
Nursing and Midwifery Council:	Represented by Pamela Muniya, Case Presenter (27 – 28 February 2025) Bethany Brown (23 April 2025) Robert Benzynie (29 May 2025)
Ms Ndukuba:	Present and represented by Victor Ndubuisi
Decision:	Appeal dismissed

Proposal to hear matters in private

The panel noted that reference is made to [PRIVATE] in the papers before it. The panel, of its own volition, proposed that any references to [PRIVATE] be heard in private. The proposal was made pursuant to Rule 30(1) of the 'Nursing and Midwifery Council (Education, Registration, and Registration Appeals) Rules 2004 (the rules).

Ms Muniya, on behalf of the Nursing and Midwifery Council (NMC) did not oppose the panel's proposal.

You said that you agreed with the proposal.

The legal assessor reminded the panel that while 30(1) provides as a starting point that hearings shall be conducted in public, it goes on to state that the panel may hold hearings partly or wholly in private if it is satisfied that this is justified by the interests of any party or by the public interest.

The panel confirmed that [PRIVATE] would be heard in private.

Decision and reasons

The panel decided to dismiss your appeal against the decision of the Assistant Registrar of the NMC.

This appeal is made under Article 37(1)(a) of the Nursing and Midwifery Order 2001 (the Order). You appealed the decision of the Assistant Registrar, dated 16 February 2024, that you did not meet the character requirements for registration to the NMC register.

Decision and reasons on application to admit hearsay evidence

The panel heard an application made by Ms Muniya under Rule 31 to allow the written statements of Witness 1 and Witness 2.

Ms Muniya submitted that, within the statements of Witness 6 and Witness 3, there are also summaries of admissions from intelligence that have come into the NMC from various candidates who sat their Computer Based Test (CBT) at Yunnik Technologies Ltd Test Centre in Ibadan, Nigeria (Yunnik). She submitted that these documents are relevant as they will assist the panel in assessing whether cheating by proxy occurred at Yunnik, as opposed to cheating by other means.

Ms Muniya submitted that Witness 1, Witness 2, and all the other candidates who have made admissions are not available to attend and give evidence. She submitted that when the panel considers hearsay evidence, the relevant factors for consideration include the seven factors identified in *Thorneycroft v NMC* [2014] EWHC 1565 (Admin), however, these factors are not exhaustive.

Ms Muniya submitted that the NMC's position is that, firstly, you have been given notice of the hearsay application being made today. Secondly, the witness statements and the intelligence referenced in those statements are not the sole or decisive evidence supporting the NMC's concerns regarding your Yunnik CBT result.

Ms Muniya submitted that the statements provide background evidence only, which corroborates other evidence in the bundle that the panel will hear during the course of the hearing. She submitted that these admissions corroborate the assertion that proxies were being used at Yunnik, and this background context will assist the panel. She clarified that the NMC is not claiming that these admissions are direct evidence that you yourself used a proxy.

Ms Muniya submitted that the NMC does not suggest that these two witnesses sat their tests on the same day as you. The witness statements provided by Witness 1 and Witness 2 outline their own experiences at Yunnik. She submitted that even if they were able to attend today, they would not be able to speak specifically about your case. Under these circumstances, she submitted that the panel may find that the details provided are unlikely to be the subject of any genuine challenge that allows you to present your own case before the panel today.

Ms Muniya submitted that there is no plausible reason for Witness 1, Witness 2, or any of the other candidates who have made admissions to lie in their statements. By admitting to fraud, they have placed their registration applications or careers at risk. She submitted that the statements from Witness 1 and Witness 2 are common to all, indicating that for all the Yunnik suspected fraud cases, their statements are contained within the bundle. The same applies to the statements of Witness 6 and Witness 3. She submitted that, because of this, it would not be practical or proportionate to call these nurses or the candidates who have made admissions to give evidence each time or to obtain separate witness statements for the candidates listed in Witness 6 and Witness 3's exhibits. She submitted that this would be disproportionate, given the sheer number of these cases. She submitted that this alone may discourage others from making admissions in the future, particularly given the high public interest surrounding these CBT fraud cases.

For these reasons, Ms Muniya invited the panel to admit the statements as hearsay and to give them the appropriate weight in due course when the panel assess them.

Mr Ndubuisi said that you oppose the application. He argued that the admissibility of hearsay evidence in this crucial matter should be carefully considered. He said that none of the individuals mentioned were present on the same day, at the same time, or at the same venue on the dates on which you sat your test. He said that relying on their statements merely reflects their opinions and should not be given weight. Furthermore, he invited the panel to consider evidence that the NMC could provide from anyone who was present on the day of your exam to testify that malpractice indeed occurred. He said that, without such evidence, it would be unjust to rely on hearsay evidence in this context.

The panel heard and accepted the legal assessor's advice on the issues it should take into consideration in respect of this application. This included that Rule 31 provides that, so far as it is '*fair and relevant*', a panel may accept evidence in a range of forms and circumstances, whether or not it is admissible in civil proceedings. The legal assessor reminded the panel of the factors to consider before admitting hearsay evidence described in the cases of *Thorneycroft*, and *Mansaray v Nursing and Midwifery Council* [2023] EWHC 730 (Admin).

The panel noted that the intelligence and admissions are quoted in Witness 6's statement which is adopted by Witness 3.

The panel gave the application careful consideration. The panel noted that both witness statements had been prepared in anticipation of being used in all CBT proceedings, were signed and contained the paragraph, *'This statement ... is true to the best of my information, knowledge and belief'*.

The panel considered whether you would be disadvantaged by allowing the witness statements into evidence. It noted that Witness 1 and Witness 2's evidence related to the background and contextual circumstances of their own experiences at Yunnik. Neither of these witnesses took their tests on the same day as you, and their evidence was not about your specific case nor did they provide direct evidence regarding your actions.

The panel considered that the witness statements of Witness 1 and Witness 2 are not the sole and decisive evidence in your case. The panel noted that you had been given prior notice that these witnesses statements were to be read.

In these circumstances, the panel is of the view that Witness 1 and Witness 2's witness statements are relevant, and that it is fair to accept them into evidence. In due course the panel will determine what weight, if any, to attach to them.

Background

On 16 March 2023 Pearson VUE, the NMC's CBT provider, alerted the NMC to unusual data relating to tests taken at Yunnik . The CBT test is in two parts, numeracy and clinical. The data raised questions about whether some or all of the CBT results at Yunnik had been obtained through fraud and called into question the validity of all tests taken at Yunnik.

Following completion of the NMC's initial investigation into these matters, it concluded that there was evidence of widespread fraud at Yunnik, where a large number of candidates had obtained their CBT. The NMC asked Pearson VUE to provide it with assurance that the data concerning tests taken at Yunnik were accurate and not the result of a system

error, cyber-attack, or other technical issue. Pearson VUE confirmed that following a detailed investigation into the testing facility at Yunnik and review of the data, they were satisfied that there was no evidence of system error, cyber-attack, or other technical error and that the data was indicative of one or more human proxy testers operating at the centre.

The NMC next asked an independent data analytics expert of OAC Limited (OAC), Witness 5, to provide the NMC with an objective analysis of the data provided by Pearson VUE. OAC looked at the times in which CBT candidates at Yunnik took to achieve their CBT pass, compared with times taken by CBT candidates from other test centres in Nigeria and globally. Using this data, OAC then calculated the probability that each CBT candidate at Yunnik could achieve their CBT pass within the time it took them to complete the test. OAC's analysis of the data supports Pearson VUE's conclusion that there may have been widespread fraudulent activity at Yunnik probably through a proxy tester acting on behalf of test candidates.

The data in relation to your CBT taken at Yunnik on 14 November 2022 shows that you achieved a pass in your test(s) in the following time(s):

- Numeracy: 3.30 Minutes (Time allocated for test: 30 minutes).
- Clinical: 6.82 Minutes (Time allocated for test: 150 minutes).

Comparing your time to complete your clinical test with times taken by candidates globally, it is considered very unlikely by the NMC that you could have achieved this result within the time it took you to complete it. The NMC allege that it is likely that your clinical CBT was sat by a proxy test taker with prior knowledge of the exam content, such that they could conduct the exam significantly faster than would be achievable by candidates conducting the exam on unseen content. These times are possible for a proxy test taker who would have seen the live bank multiple times.

Taking into account the time in which your clinical CBT test was taken, in a centre in which the NMC allege there to have been widespread fraudulent activity, it is considered by the NMC to be more likely than not that your clinical CBT result was obtained fraudulently.

When considering your application to the register, the Assistant Registrar took into account the following documentation:

- Expert reports by Witness 5, Head of Data Analytics at OAC
- Witness statements of Witness 4, Director of Information Security and Security Services at Pearson VUE
- Witness statements of Witness 6, Executive Director of Professional Practice at the NMC
- Your comments which you emailed to the NMC on 16 January 2024

In your correspondence you stated that you have worked hard to study and pass exams and as a result have achieved success. You say that in your role as Vice President of Nursing at your university, you utilised your knowledge to teach students.

[PRIVATE] You said that you were dropped off at the venue on 14 November 2022. You recall that identity capturing was completed and that you sat your test “*as swiftly as possible*”. You say you had prepared extraordinarily well for the test, in which the same questions came up. [PRIVATE].

The Assistant Registrar who considered your explanation accepted that thorough preparation undertaken by any candidate may increase the likelihood that they would achieve a pass. However, in their view, this did not explain how you were able to obtain your test result from Yunnik in the time you did when comparing it against times taken by candidates globally. The Assistant Registrar was not satisfied that they had been presented with anything that changed the conclusion that you more likely than not obtained your CBT result fraudulently. The Assistant Registrar therefore determined that you did not meet the character requirements to be considered capable of safe and effective practice.

On 29 January 2024, you were informed that the Assistant Registrar had refused your application onto the register. You appealed the decision on 16 February 2024, within the 28-day time limit.

Evidence

The panel also took account of live evidence and witness statements from the following witnesses on behalf of the NMC:

- Witness 3: The Deputy Director for Business Transformation and a member of the Executive Team for Professional Regulation.
- Witness 4: Director of Information Security and Security Services at Pearson VUE.
- Witness 5: An independent Data Analyst who provided the NMC with an analysis of the data provided by Pearson VUE.

The panel also took account of the written evidence and witness statements from the following witnesses on behalf of the NMC:

- Witness 1: Band 5 nurse in the UK who provided her experience sitting an exam at Yunnik.
- Witness 2: Band 4 Pre-registration nurse in the UK who provided her experience sitting an exam at Yunnik.

- Witness 6: Employed by the NMC as the Executive Director of Professional Practice.

Your evidence

You gave evidence under affirmation.

You said you are a registered nurse and midwife with experience in psychiatry, paediatrics, mental health, and family planning. You said that you had the opportunity to train at [PRIVATE] in Nigeria, where you obtained your BNSc in nursing and midwifery. You went on to pursue further specialities in a five-year course. During your education, as the pioneering vice president of NUNSA (Nigerian University Nursing Students Association), you *“led an honourable union”* for three complete years. You stated that if you asked anyone about Prudence, you will only hear positive and praiseworthy affirmations, as you ensured you laid a strong foundation for subsequent students. You indicated that you worked hard to earn your certificates.

After university, you said you had the opportunity to participate in the NYSC (National Youth Service Corps). Even during this time, you were the leader of the lecture committee, where you educated university and primary school students on issues concerning HIV, reaching every facet of life.

You said that upon leaving Nigeria for the UK, you were somewhat unprepared for the current situation, wishing you had brought ample evidence, such as pictures and videos, to demonstrate that you are not just an ordinary nurse, but a dedicated professional. You expressed that you do not deserve to endure the challenges you face today because you have fulfilled your obligations, academically and socially.

You said that you funded your own education. While serving under the National Youth Service Corps, you received one of your awards. You referred the panel to photos where a professor congratulated you for your commendable work at [PRIVATE]. [PRIVATE]. Throughout your primary, secondary, and university education, you said you have always

been a diligent student, focused on studying rather than social activities. You said that you maintain a strong academic reputation.

You stated that you worked in a hospital in Nigeria and at [PRIVATE] during your youth service but aspire to work elsewhere to make a significant impact, believing that nursing is a noble profession. You directed the panel's attention to your CV, stating that you have given everything you had in your service.

You said you planned to travel to Canada to further your studies; however, you believe it is advantageous to pursue career excellence in the UK. You said that your intention is not to remain permanently in the UK, as you plan to continue your academic and career journey. You said your goal is to work in the UK for three to five years before pursuing a Master's degree, with the ambition of becoming a professor and ultimately returning to Nigeria.

You said that your decision to come to the UK was motivated by your desire for career advancement, recognising that working in the health sector here could offer added benefits. You said you are also keen to learn about the culture, lifestyles, and skills in the UK.

You said you feel as if your career has been stunted. You received an email stating that everyone who sat for the CBT must retake it. You said that you did not need to re-sit your CBT as you had already completed your mental health CBT at Enugu so you proceeded to sit your OSCE.

You said that there is no reason for you to seek someone to sit an exam on your behalf. You said your journey to the UK has been achieved legally and without any fraudulent activity. You said you have 'paid your dues' and consider yourself to be a woman of integrity and believe that your character references will reflect this to the panel.

During cross-examination, you explained that you took your RNA CBT on 14 November 2022 and later sat a second CBT for RNMH as the job offer in the UK was for a mental health role. Although you initially pursued adult nursing, you eventually cancelled that application and opted to focus on mental health. Had you known you would eventually secure a job in mental health, you would have chosen that route from the start.

You said you took the second CBT in June 2023. When asked about taking it without a special voucher from Pearson Vue, you said that after cancelling your application in February, your prospective employer, having noted your initial adult nursing CBT, asked you to rewrite your CBT for mental health. You began preparing for this CBT after your cancellation, and it took you several months of studying before you sat the mental health exam. You said that you did not need to redo another CBT due to any investigation because your previous attempts had not been questioned.

You denied that your CBT was obtained through a proxy test-taker and stated that you felt no pressure to do so on 14 November 2022. While you completed the exam quickly, you were unaware of the precise time it took.

You said that you attended Yunnik as the CBT was arranged by [PRIVATE]. Your CBT was initially booked on 22 October 2022, but the test was cancelled on the day due to technical difficulties at Yunnik. You said that [PRIVATE] then re-booked and paid for your CBT on 14 November 2022. You said that, because you lived in Abia which is far from Ibadan, you arrived the day before the exam to [PRIVATE]. You said that upon entering the test centre, which was a multi-storey building, standard identification checks were performed, but the system was malfunctioning.

Regarding the CBT on 14 November 2022, you could not recall how long you spent on the test. You said if you had encountered similar questions during practice, you could answer them quickly. You chose not to review your answers before finishing because you were confident in your performance [PRIVATE].

You said that while the exam duration was three hours, it did not require that you occupy the entire time to complete the test. You said depending on preparation, the CBT might not take the full three hours. You were not aware of how many people were at the test centre as [PRIVATE] had arranged everything for you.

In response to the panel's questions, you described the layout of the test centre, stating it was a two-storey building with a waiting room, but you did not keep track of how many

computers were present. You saw another person nearby but could not confirm whether she was there for the CBT. You also mentioned seeing the owner of the centre.

When asked about your tutor before your first CBT, you could not recall the exact timeline. You said that online materials were provided for practice and that your tutor was recommended to you.

[PRIVATE]

You confirmed taking your mental health CBT in June 2023 in Enugu.

You confirmed that you flew to Ibadan twice [PRIVATE] in October and then again in November. You attempted to take your CBT on the morning of 22 October 2022 before returning to Ibadan to take the CBT [PRIVATE] in November 2022.

You stated that there was no connection between your arrival in the UK and your employment situation related to the CBT. You described the adult nursing CBT as a wasted effort that caused you later pain, and that it had no relevance to your current circumstances in the UK. You said that your career has felt stunted as you are currently employed as a pre-registered nurse and took the OSCE for registered mental health nursing. The November 2022 CBT was unrelated to your current role in the UK.

Following your evidence, Mr Ndubuisi expressed his concerns regarding the process related to the allegation that you passed your CBT using a proxy. He emphasised the importance of understanding the background details of your academic and professional integrity.

Mr Ndubuisi submitted that you come from a well-established academic and professional background. You were a respected lecturer at [PRIVATE] and served as a board member of the Senior Academic Staff Union. [PRIVATE]

Mr Ndubuisi stated that you have completed a six-year nursing programme, which includes five years of study and one year of clinical experience. Throughout this time, you have demonstrated a commitment to academic excellence and professional development.

Your thirteen years of active service as a registered nurse further attest to your competence and expertise.

Mr Ndubuisi stated that in preparation for the CBT adult nursing exam, you studied extensively. Approximately 75% of the questions and answers were identical to those appearing in your test. You received coaching from a colleague who had already passed the exam, gaining valuable insights into the examination structure, time management, and the rules. He said that given the level of preparation you undertook, it is nearly impossible for someone who has invested such effort to fail or perform poorly.

Mr Ndubuisi said that you initially completed the incorrect CBT but later undertook the correct one to meet job requirements. Upon arriving in the UK, you took the OSCE examination, where you performed excellently.

Mr Ndubuisi said that there is a lack of evidence to support the allegations of fraud. He said that digital analysis alone cannot constitute evidence, and the NMC has not provided sufficient proof. He said that integrity and performance should not be judged based on unreliable and insufficient evidence.

Mr Ndubuisi stated that in the interest of justice and fairness, your actions should be assessed transparently. You have consistently demonstrated confidence, integrity, and professionalism throughout every stage of your education and career. He invited the panel to not to rely solely on digital analysis while referencing case law and legal principles.

Having heard the evidence from the NMC witnesses and your evidence, the panel made a direction for communications around the cancellation of the first application and the commencement of the second application for registration.

Hearing resumed 23 April 2025

Closing submissions

Ms Brown, on behalf of the NMC, provided closing submissions to the panel which are summarised as follows:

Your test times have been calculated at 3.30 minutes for numeracy test and 6.82 minutes for the clinical test. It is not credible that a person can take the test legitimately in these times and there is expert evidence which has been provided to support this. The panel has not heard any evidence to show that it is likely that you could have completed the test in these times legitimately; and it is also unlikely that all six candidates taking the test on the same day achieved exceptionally fast results legitimately. On that basis Ms Brown invited the panel to dismiss the appeal.

Mr Ndubuisi provided closing submissions to the panel which are summarised as follows:

Mr Ndubuisi suggested that the NMC's evidence is based solely on digital and hearsay evidence, with which there are limitations and this should not be used as the sole basis for this decision. Such evidence can be influenced with misinterpretation and error and risks undermining fairness and due process. Further the evidence presented by the NMC lacks corroborative evidence.

Mr Ndubuisi told the panel that your successful completion of the mental health CBT, OSCE and other academic achievements and ability, career history and character should be taken into account, and it would be unjust to base your standard on the digital test alone.

Mr Ndubuisi requested the panel allow the appeal.

The panel accepted the advice of the legal assessor.

Panel's decision

In making its decision, the panel first considered whether the NMC has discharged the burden of proof in relation to whether there was widespread generic fraud occurring at Yunnik.

The panel had sight of the data analysis provided by Witness 5, and the independent evidence of Witness 4 that corroborates Witness 5's findings. The panel noted that the evidence is comprehensive including graphs and charts which evidence the time taken

globally, and at other centres in Nigeria (excluding Yunnik), to complete the CBT compared to the times achieved at Yunnik. The panel noted the significant differences in the pattern of test times, in that the global distribution curve and that for the rest of Nigeria are almost alike showing a smooth distribution of times. The distribution of times at Yunnik is, however, anomalous in that it bears no resemblance to the others. The panel also noted that the majority of the completion times at Yunnik are faster than any recorded either in the Global group, or in the Nigeria (excluding Yunnik) group.

The panel considered your (Prudence) assertion that you face these proceedings due to the “colour of my skin”. The panel note that there is nothing before it in evidence that any of the investigators used demographic data in their analyses. The panel considered that the investigation was triggered by the identification of anomalous timings at a testing centre, its location being incidental. The panel considered that, in having a comparison group of Nigeria (excluding Yunnik), steps had been taken to eliminate any cultural or racial bias. The panel further noted that the distribution plots for the rest of Nigeria mirrored those for the global group. The panel concluded that it was unable to identify any evidence in the data analyses to support the assertion of racial or cultural bias.

The panel also had regard to the evidence of Witness 6 that so far, 16 individuals had come forward and made admissions to using a proxy tester at Yunnik. 14 of those individuals remain anonymous. Additionally, the panel had before it the data from Pearson Vue with regards to the times taken to complete the CBT at Yunnik. Witness 6 records the accounts given by the 14 individuals and in three admissions, the time recorded for Part B (Clinical) was inside the 1 in 2,500 percentile but the time recorded for Part A (the numerical test) was just outside the 1 in 2,500 percentile.

The panel considered that, although they do not provide any direct evidence against you, the witness statements of both Witness 1 and Witness 2 provide further contextual evidence of generic fraudulent activity.

For all of the above reasons, the panel was satisfied that the NMC has provided sufficient evidence to establish that it is more likely than not that widespread generic fraud was occurring at Yunnik.

The panel next considered whether it is more likely than not that you obtained your CBT result, taken at Yunnik on 14 November 2022, fraudulently.

The panel noted that there is no direct evidence of you acting fraudulently.

The panel first considered your assertion that you withdrew your first application to join the NMC register which relied upon the adult CBT taken at Yunnik and therefore should not have been taken into account. The panel acknowledged that to be registered as a mental health nurse you had to do a separate CBT test in relation to that application, and that the first application had been withdrawn prior to any public concerns regarding test completed at Yunnik. However, the panel must take into account that your initial application to register in the UK was as an adult nurse and, as part of that application, the Yunnik CBT result was presented to the Assistant Registrar as evidence of your competency. The panel concluded that, in these circumstances, although you ultimately did not require the adult CBT taken at Yunnik to become a registrant, it had still been presented to the Assistant Registrar in evidence for your previous application and therefore it is justified to consider whether it was obtained fraudulently when making its decision today.

The panel considered Witness 5's analysis of your specific data from your test at Yunnik on 14 November 2022 which provided the following odds of how achievable your test times were:

*'Evaluated Clinical Timing: 6.82 minutes: Odds less likely than 1 in 56,478
Evaluated Numeracy Timing: 3.30: Odds less likely than 1 in 58,123'*

The panel notes that these times are faster than any achieved in either the Global group or the Nigeria (excluding Yunnik) group. The panel considers that legitimately achieving these times would make you the fastest person ever to complete the test outside of Yunnik, five minutes or approximately 40% faster for the clinical test than the fastest candidate in the Global group and nine minutes or approximately 135% faster than the fastest candidate in the Nigeria (excluding Yunnik) group. The panel noted that your numeracy test is also faster than any other candidate recorded in either of the comparator groups.

The panel considered your evidence that you achieved these times so quickly as [PRIVATE] your friend was waiting for you at the test centre and you were rushing as a result. You told the panel that [PRIVATE] the test was rebooked at Yunnik as [PRIVATE]. You also told the panel that you achieved these times due to your inherited intelligence, and provided some evidence of your academic achievements. You also described the careful and intense preparation you undertook for your test at Yunnik, although the evidence to support this is limited. You stated that you had had used a tutor and accessed practice questions online. The panel noted that you said that you had only accessed the online practice questions five days before the test, and was of the view that there was little information on what preparation you did beforehand other than this. The panel considered that many of the available revision materials are publicly available and it is implausible that they would have such a disproportionately positive effect on your performance, and not on the other 56,000 candidates in the global group nor the 8,482 candidates in the Nigeria (excluding Yunnik) group.

The panel noted your test was the second of three times recorded at Yunnik in a 30-minute period that are all faster than any times recorded outside Yunnik, and that you told the panel that you did not know any other candidate who sat a test at Yunnik that day. This establishes an implausible pattern of the three fastest candidates ever (when compared to all candidates outside Yunnik) coincidentally being in the same centre, at the same time on the same day. The panel further noted that the pattern continued in the afternoon, with two out of three candidates being amongst the fastest in the world, extending the improbable proposition to five of the fastest test takers in the world being present at the same centre at Yunnik on the same day. The panel determined that the most likely explanation is that a proficient human proxy tester was present and completing tests on behalf of candidates both that morning, and again in the afternoon. The panel considered that its conclusion is consistent with the patterns of test times on days where proxy use was admitted.

The panel considered that the appeal grounds that you provided focused on challenging the Assistant Registrar's reliance on data analysis and hearsay evidence. The panel took this into account when weighing the evidence before it but found the NMC has provided cogent and credible evidence that has been tested by independent experts in support of its case. When taken together, the panel concluded that the circumstantial evidence

provided a clear inference that you obtained your CBT result at Yunnik fraudulently, likely by use of a proficient human proxy.

For all of the above reasons, the panel is satisfied that the NMC has proved that, on balance of probability, you obtained your CBT result taken on 14 November 2022 fraudulently.

Finally, the panel went on to determine whether you meet the character requirements for admission to the NMC register. The panel had regard to the NMC guidance on health and character, in particular 'Factors that we take into account when considering character cases', last updated on 5 September 2024. The panel is aware that it is for you to satisfy the panel that you meet the character requirements for successful admission on the register.

The panel considered that, as a result of its previous findings, you provided the Assistant Registrar with a fraudulent CBT result with the deliberate intent to mislead them and obtain registration as a nurse. The panel acknowledges that to be registered as a mental health nurse you had to do a separate CBT test in relation to that application, and that the first application had been withdrawn prior to any public concerns regarding the test completed at Yunnik. Notwithstanding this, the panel considered that your actions in submitting your initial application to register in the UK was founded on a fraudulent CBT test, demonstrating dishonesty and a lack of integrity.

The panel balanced this against the positive testimonials and character references you supplied.

The panel determined that, based on its findings in this case, your conduct in obtaining and submitting a CBT result obtained through fraud was dishonest. The panel considered that candidates for admission to the NMC register must satisfy the good character requirements that require them to demonstrate honesty and integrity. The panel is not satisfied that there is evidence before it to determine that, on balance, you are of sufficient good character for admission to the NMC register.

The panel therefore decided to dismiss your appeal and uphold the decision of the Assistant Registrar, thereby refusing your application to the NMC register.

You have the right to appeal this decision. If you appeal the decision, you must submit your appeal to the county court within 21 days of this decision.

This will be confirmed to you in writing.

That concludes this determination.